

# REGULAR MEETING – February 2, 2021

The Common Council of the City of Michigan City, Indiana, met in Regular session on Tuesday evening, February 2, 2021 at the hour of 6:30 p.m., Hosted by “Zoom” and streamed live on “My Michigan City” Facebook Page.

The meeting was called to order at 6:30 p.m. by Council President Michael Mack.

Roll call was authorized, and the following were noted present and/or absent.

**PRESENT:** COUNCIL MEMBERS Bryant Dabney, Sean Fitzpatrick, Michael Mack, Angie Nelson Deutch, Don Przybylinski, Paul Przybylinski, Gene Simmons, Dalia Zygas and Tracie Tillman (9).

**ABSENT:** none (0).

## **A QUORUM WAS NOTED PRESENT**

**ALSO, PRESENT:** Jim Meyer – Council Attorney, Gale Neulieb City Clerk and Deputy Clerk Dawn Debald.

## **APPROVAL OF MINUTES**

President Mack inquired whether there were any corrections, deletions, or additions to the minutes of the Regular “Zoom” Meeting of January 19, 2021; there was no response.

President Mack asked for a motion to approve the Regular Council “Zoom” meeting minutes from January 19, 2021; with a motion from Councilman Fitzpatrick and second by Councilman P. Przybylinski. The minutes were approved as printed 9 -0.

President Mack inquired whether there were any corrections, deletions, or additions to the minutes of the Special “Zoom” Meeting of January 26, 2021; there was no response.

President Mack asked for a motion to approve the Special Council “Zoom” meeting minutes from January 26, 2021; with a motion from Councilwoman Deutch and second by Councilman P. Przybylinski. The minutes were approved as printed 9 -0.

## **REPORTS of STANDING COMMITTEES**

Councilman D. Przybylinski advised he is the liaison to the LaPorte County Solid Waste District and presented the following from the meeting on February 1, 2021;

The Laporte County Solid Waste District Board met on February 1, 2021 at 1:30 p.m. at the District Office and the meeting was adjourned at 3 p.m. The purpose of the meeting was to review the 2021 budget and discuss a possible User fee increase.

Board members are Michigan City Councilman Don Przybylinski, LaPorte County Commissioner Shelia Matais, Rich Mrozinski, Joe Haney, County Councilman Mike Moldenhauer, LaPorte Mayor Tom Dermody; Michigan City Mayor was absent. District Director Clay Turner was present.

The Board has been discussing a \$2 per month user rate increase for the past couple months. Due to the funding from previous tipping fees from the now closed landfill, now being totally used up and an annual 4% rate increase from Able Disposal the District is forecasting a \$1,000,000 budget for 2021.

The Board reviewed the 2021 budget and cut an additional \$100,000.

A Public meeting has been scheduled by ZOOM for Wednesday February 10, 2021 at 6:30pm at ID 836 4469 1932 PC 153030.

### **FINANCE COMMITTEE MEETING**

Councilman Fitzpatrick stated the Finance Committee did not meet this evening due to the claim docket being \$0.00.

### **CLAIMS DOCKET**

President Mack stated there were no claims to approve for February 2, 2021:

#### **February 2, 2021 Riverboat/Boyd Claim Docket**

Fund #2042 – Riverboat – Claims-	\$	0.00
EFT	\$	0.00
Fund #2031 – Boyd – Claims-	\$	0.00
TOTAL CLAIMS	\$	0.00

### **REPORTS OF SPECIAL or SELECT COMMITTEES**

President Mack asked if there were any reports of Special or Select Committees; there was no response.

### **REPORTS OF OTHER CITY OFFICERS and DEPARTMENTS**

President Mack asked if there were any reports of other City Officers and Departments;

Bonita (Bonnie) Schaaf, past President of the Commission for Women presented the Michigan City Commission for Women annual report for 2019.

Faye Moore, present President of the Commission for Women presented the Michigan City Commission for Women annual report for 2020.

Councilwoman Deutch, liaison to the Commission for Women thanked them for the great presentation and commented on the phenomenal exhibit she attended with several groups.

Councilman Dabney, Fitzpatrick, P. Przybylinski, D. Przybylinski and President Mack also commented; thanking and commending Ms. Schaaf and Ms. Moore for their hard work, efforts and outstanding presentation.

### **PETITIONS**

President Mack asked if there were any petitions; there was no response.

**CORRESPONDENCE**

The Clerk read the following correspondence that was received in the Clerk's office:

Correspondence was received in the Clerk's Office on January 13, 2021 from Dr. Barbara Eason-Watkins Superintendent of the Michigan City Area Schools appointing Dr. Wendel McCollum as their designee to the Social Status of African American Males Commission.

Correspondence was received in the Clerk's Office on January 14, 2021 from Jeff Wright, City Engineer regarding the Barker Street project.

Correspondence was received in the Clerk's Office on January 14, 2021 regarding the memo that was sent out in March of 2020 addressing the 2021 Resurface Candidate Segments (PASER ratings)

Correspondence was received in the Clerk's Office on January 20, 2021 from City Controller Hoffmaster regarding the prepayment agreement on the ESG loan that was requested.

Correspondence was received in the Clerk's Office on January 19, 2021 from Mr. Rodney McCormick addressing his appointment to the SSAAM.

Correspondence was received in the Clerk's Office on January 21, 2021 from the NAACP re-appointing Ms. LaTonya Troutman to the Social Status of African American Males Commission.

Correspondence was received in the Clerk's Office on January 21, 2021 from the Citizens of Mayfield Subdivision regarding a recent article in the Herald Dispatch.

Correspondence was received in the Clerk's Office from Mr. and Mrs. Tom Smith, 1710 W. 10<sup>th</sup> Street on January 25, 2021 regarding what he is being offered for his home/business from NICTD for the double track project.

Correspondence was received in the Clerk's Office from Attorney Jim Meyer that he received from Harris, Walsh & Lukmann Attorney at Law Office addressing the correspondence the Council received on January 25, 2021 from Mr. and Mrs. Tom Smith, 1710 W. 10<sup>th</sup> Street.

Correspondence was received in the Clerk's Office from Council President Mack on January 25, 2021 informing the Council of the changes that will be implemented at all future Council meetings.

Correspondence was received in the Clerk's Office from Ta-Tanesha George, Executive Director/EEO Officer of the Michigan City Human Rights Commission; advising that Pastor Dennis Carroll will be their representative to the SSAAM Commission.

Correspondence was received in the Clerk's Office on January 27, 2021 from Councilwoman Zygus that she received from Laura Henderson, member of the Tree Board regarding the secretary position that was taken out of their budget.

**RESOLUTION**

The Clerk read the following proposed resolution by title only;

**MICHIGAN CITY COMMON COUNCIL****RESOLUTION [4801](#)****A RESOLUTION INCREASING AND DECREASING CERTAIN APPROPRIATIONS**

**WITHIN THE BUDGET OF THE MICHIGAN CITY PUBLIC ARTS COMMITTEE OF  
THE GENERAL FUND #1001 FOR THE YEAR 2021  
IN MICHIGAN CITY, INDIANA**

**WHEREAS**, there exists certain circumstances within the budget of the Michigan City Public Arts Committee of the General Fund #1001 of Michigan City which require increasing and decreasing appropriations for certain line items in that Fund for the year 2021.

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the City of Michigan City, La Porte County, Indiana, that:

Section 1. Because it is deemed advisable and necessary, in order to meet the circumstances facing the Budget of the Michigan City Public Arts Committee of the General Fund of the City, the Common Council approves the following transfer of appropriations, as listed, to-wit:

MC PUBLIC ARTS COMMITTEE OF GENERAL FUND #0101

DECREASE:	A/C #1001 500 429.001	
	Other Supplies – Other Supplies	\$4,061.00
INCREASE:	A/C #1001 500 431.050	
	Other Services & Charges – Professional Services	\$4,061.00

This Resolution shall be in full force and effect after passage by the Michigan City Common Council and approval by the Mayor.

**INTRODUCED BY:** /s/ Donald Przybylinski, Member  
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this 2<sup>nd</sup> day of February, 2021.

/s/ Michael Mack, President  
Michigan City Common Council

President Mack asked if the author had anything to add this evening;

Councilman D. Przybylinski stated the funds were placed in the incorrect line item when the budget was done last year; advising since the Public Art Committee doesn't need office supplies, they are asking for the money to be transferred to other services & charges professional services.

President Mack asked if there were any comments from the public, repeating three times; there was no response.

President Mack asked if there were any comments or questions from the Council;

Councilman Fitzpatrick asked what services the transfer pertains to?

Shannon Eason, Assistant Park Superintendent stated this is for leasing sculptures in the Uptown Arts District.

President Mack asked if there were any other comments from the Council; there was no response.

Councilman Dabney made a motion to adopt the proposed resolution, second by Councilman P. Przybylinski.

President Mack asked if there were any other questions or comments from the general public or the Council and hearing none the proposed resolution was adopted by the

following vote **AYES:** Council members Tillman, Dabney, Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons, Zygus and P. Przybylinski (9) **NAYS:** (0). The proposed resolution was adopted by a vote of 9-0.

The Clerk read the following resolution by title only, **REQUESTING JOINT MEETING WITH REDEVELOPMENT COMMISSION TO DISCUSS PLANNED DEVELOPMENTS IN AND FINANCIAL INFORMATION REGARDING TAX INCREMENT FINANCE AND TRANSIT DEVELOPMENT DISTRICTS AND BLOCKSOM MATTER**

President Mack asked if the author had anything to add at this time;

Councilman P. Przybylinski stated that he is asking for the Council's support on the proposed resolution because there are issues that need to be discussed such as the status of the Blocksom property and where the City stands on it; stating that the Council needs more input.

President Mack asked if the public had any comments or questions, repeating three times; there was no response

President Mack asked if there were any comments or questions from the Council;

Councilman D. Przybylinski stated that he will be voting in support of the proposed resolution; one reason is because of the issues with the Blocksom Company and the development of the corridor along Trail Creek that isn't being done; advising the original agreement was done in 2009; explaining that he wants to see some movement made in the development of the property; further stating the Council needs to know what is going on.

Discussion ensued between Councilmen Dabney, D. Przybylinski and P. Przybylinski regarding if the process of the sale and relocation of this property is in litigation and not ratified at this time.

Councilman Fitzpatrick stated that Councilwoman Deutch and President Mack are now members of the Redevelopment Commission; asking Attorney Meyer if they can convey the Council's concerns and information at the Redevelopment Commission and Redevelopment Authority meetings?

Attorney Meyer was unable to communicate and answer Councilman Fitzpatrick's question.

Councilman P. Przybylinski asked if anyone has seen the agreement between the owners of the Blocksom property and the City?; stating we need to make some movement on this so that we don't lose the property; advising it's a great area for development; again asking for support of the proposed resolution.

Councilwoman Deutch stated she doesn't think that a resolution is needed to accomplish this; advising the Redevelopment Commission will be getting briefed on what is happening with the property but cannot share with the Council any information from the meetings.; explaining any information in regards to the litigations can be found online through the courts; further stating the Council needs to give herself and President Mack an opportunity to move some things along.

Councilwoman Tillman asked if there is a non-disclosure with the Redevelopment Commission?

Councilman P. Przybylinski called Point of Order; asking if he being the Author can make a closing statement?

President Mack allowed Councilman P. Przybylinski's closing statement.

Councilman P. Przybylinski stated these negotiations have been going on for eleven (11) years; advising there is non-disclosure in an Executive Session and the Council needs to receive what is being proposed from both sides to be able to process it and be able to better communicate with the Redevelopment Commission to give them some direction.

President Mack asked if there were any other comments or questions from the Council; there was no response.

Councilman P. Przybylinski made the motion to adopt the proposed resolution; second by D. Przybylinski.

President Mack asked if there were any other comments from the general public or the Council and hearing none the proposed resolution **FAILED** by the following vote: **AYES:** Council members D. Przybylinski and P. Przybylinski (2) **NAYS:** Dabney, Fitzpatrick, Mack, Deutch, Simmons, Zygas and Tillman (7). The proposed resolution **FAILED** by a vote of 2-7.

The Clerk read the following proposed resolution by title only; **REQUESTING THE MICHIGAN CITY PLAN COMMISSION REVIEW AND CONSIDER REPEALING SECTION 17.02 IN THE MICHIGAN CITY ZONING CODE ENTITLED "LANDSCAPING REQUIREMENTS"**

**(Note: the proposed resolution was to be "TABLED" until the February 2, 2021 Council meeting)**

President Mack asked if the Author had anything to add at this time;

Councilman P. Przybylinski stated that he wants this sent back to the Plan Commission for reconsideration; commenting on the ordinance and several sections within the ordinance including section 17.02 in regard to private property located within the City limits.

President Mack asked if there were any comments from the public, repeating three times; there was no response.

President Mack asked if the Council had any other comments or questions regarding the proposed resolution;

Councilwoman Zygas stated there was a workshop and this only pertains to large plots of land before they are subdivided; adding that a tree survey is done as part of the normal preparation for dividing the land to build the subdivision; advising does not pertain to private property.

President Mack asked if there are no objections, he would like to suspend the rules and allow public comment; advising he was unaware that there was anyone from the public wanting to speak; there were no objections;

Jessica Leslie Arnett, City Forester (resigned), 320 W. Homer Street addressed the Council presenting a statement in regard to the proposed resolution.

President Mack asked if the Council had any other comments or questions regarding the proposed resolution.

Councilman D. Przybylinski commented on page 3-10 reads that this pertains to private property located within City limits as of December 31, 2018.

Councilman Fitzpatrick asked if there is a necessary change, why does it need to go back to the Plan Commission? Why can't the Council just amend it?

Councilwoman Deutch stated that she believes that existing single-family homes are exempt in the ordinance.

Discussion ensued between Councilman D. Przybylinski, Councilwoman Deutch and Ms. Arnett regarding where in the ordinance does it say existing single-family homes are exempt. Ms. Arnett stated this is under Section 3-B in the exemptions in the ordinance.

Councilman P. Przybylinski gave his closing statement in regard to the proposed resolution.

President Mack asked if there was a motion to adopt the proposed resolution;

Councilman P. Przybylinski made the motion to adopt the proposed resolution; second by D. Przybylinski.

President Mack asked if there were any other comments from the general public or the Council and hearing none the proposed resolution FAILED by the following vote: **AYES:** Council members D. Przybylinski and P. Przybylinski (2) **NAYS:** Fitzpatrick, Mack, Deutch, Simmons, Zygas, Tillman and Dabney (7). The proposed resolution FAILED by a vote of 2-7.

## **ORDINANCES**

The Clerk read the following proposed ordinance on first reading by title only,  
**APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE POLICE DEPARTMENT OF THE GENERAL FUND TO PROVIDE FUNDING FOR THE LEASING OF TEN (10) POLICE VEHICLES**

**Introduced by:** Gene Simmons

(DECREASE General Fund #1001 Unappropriated balance \$110,500.00 INCREASE ACCOUNT#1001 202 439.090 \$110,500.00 Police Department Other Services & Charges – Contractual Services)

President Mack asked if the author had anything to add this evening.

Councilman Simmons addressed the Council advising them that the ten (10) vehicles are two (2) year leases; stating these are 2021 police package Dodge Chargers with V6 AWD to outfit our Detective Bureau/plain-clothes division; the current 2019 Dodge Chargers (owned by the city) will be distributed to the patrol division; explaining the limited mileage on the lease vehicles, what can be outfitted on each vehicle and that their department is short ten (10) vehicles; further advising the number of accidents that occurred in 2020.

President Mack asked if there were any comments or questions from the public, repeating three times.

President Mack read the question on the chat screen received from Mr. Rodney McCormick, 617 Union Street regarding the proposed ordinance.

Discussion ensued between Police Chief Campbell and Council members Fitzpatrick, Deutch, and D. Przybylinski, regarding the proposed lease agreement for the ten (10) proposed vehicles; the City's cost compared to the City purchasing of the new police vehicles; asking if the cost of the City's Automobile Insurance increased due to the twenty-seven accidents with police vehicles during 2020, and the disciplinary actions that occurred due to these accidents.

Controller Hoffmaster advised that the cost of our City automobile insurance hasn't gone up due to these accidents to date.

Councilwoman Tillman questioned if the monies received from the totaled police vehicles that the city received from our insurance company was put back in the general fund or is it being used toward this lease agreement.

Controller Hoffmaster advised that it was not; stating the insurance money received for the three (3) totaled vehicles is sitting in a fund and has not been appropriated anywhere; advising that the proposed appropriation has to be approved to cover this lease contract.

President Mack stated that this ordinance will be referred to the Finance Committee for their review and recommendation at the next meeting on February 16, 2021.

Councilwoman Tillman agreed with President Mack about referring this to our finance committee meeting; asking why this contract wasn't negotiated and presented to the Council reducing the amount requested and using the funds received from the insurance company for the totaled police vehicles.

Discussion ensued between City Controller Hoffmaster, Councilwoman Tillman and Councilman Fitzpatrick regarding the monies that were received from the insurance company and if it could be used to reduce the proposed appropriation.

President Mack said he would be referring this to the Finance Committee not to the Public Health and Safety Committee.

Councilman D. Przybylinski called "Point of Order" advising that the President assigns an ordinance or resolution to what committee is best, that there is no need for a motion.

President Mack asked if there were any other comments from the Council, repeating three times; there being no response this ordinance will be held over on second reading at the February 16, 2021 Council meeting.

The Clerk read the following proposed ordinance on first reading by title only,  
**AMENDING SECTION 70-101(a) IN DIVISION 3 OF CHAPTER 70 OF THE MICHIGAN CITY MUNICIPAL CODE REGARDING THE POLICE MERIT COMMISSION TO ADD THE REQUIREMENT THAT COMMISSIONERS UNDERGO A CRIMINAL BACKGROUND CHECK & DRUG SCREEN**

**Introduced by:** Paul Przybylinski  
Don Przybylinski

President Mack asked if either of the authors had anything to add.

Councilman P. Przybylinski addressed the Council explaining why he was introducing the proposed ordinance; stating that he feels that people serving on the Police Commission should have the same high standards to live up to as a City police officer; having to undergo a criminal background check and drug screen; advising that he will be withdrawing his sponsorship on the proposed ordinance coming up on third reading.

President Mack asked if there were any comments or questions from the public;

Rodney McCormick, 617 Union Street addressed the Council stating he was happy to see a criminal background check and drug screen being proposed to be done for each police commission member before serving on this commission and that he feels that all board and commission members serving on any committee should have to have a drug test.

President Mack asked if there were any other comments from the public; there was no response.

President Mack asked if the Council had any comments this evening.



Councilman D. Przybylinski reiterated what Councilman P. Przybylinski commented on agreeing that the police commissioners should live up to the same standards as our officers; stating that he would be supporting this ordinance.

President Mack asked if there were any other comments; there was no response, with President Mack stating that this ordinance will be held over to second reading at our February 16, 2021 Council meeting.

The Clerk read the following proposed ordinance on first reading by title only,  
**APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE RECREATION DEPARTMENT OF THE PARK FUND TO PROVIDE ADDITIONAL FUNDING FOR LIFEGUARDS**

**Introduced by:** Don Przybylinski  
**Co-Sponsor:** Bryant Dabney  
Dalia Zygas

(DECREASE Park Fund #2056 Unappropriated balance \$36,260.00. INCREASE ACCOUNT #2056 503 411.014 Park Recreation \$36,260.00 Salaries & Wages – Seasonal Wages)

President Mack asked if any of the authors had anything to add;

Councilman D. Przybylinski stated the purpose of the proposed ordinance is to appropriate the funds so we can hire lifeguards to be at the same pay level as other life guards from other surrounding communities and entities; making a competitive wage to entice them and want to work for Washington Park each season.

President Mack asked if there were any comments or questions from the public, repeating three times; there was no response.

President Mack asked if there were any comments or questions from the Council.

Councilwoman Tillman stated that she would be in agreeance with this ordinance if it could be amended not having the different levels of these lifeguards positions; questioning why do we need different levels; asking shouldn't they all be reporting to the Park Superintendent and Asst. Superintendent?

Councilman Fitzpatrick echoed Councilwoman Tillman's comments regarding the different levels of lifeguards; that maybe experience would possibly give them a different pay scale; stating his concerns about having too many chiefs and not enough Indians.

Councilman Dabney stated he understands why there are different levels of lifeguards being proposed, stating that if the Park Superintendent or Assistant Superintendent was not present, that there would be someone in charge in case of an emergency to take the lead to any issue that may occur.

Councilwoman Tillman questioned that since there are three (3) levels of lifeguards being proposed will they all be working the same shift, or will they be staggering their schedules and who will relieve these individuals when their shift has ended.

Councilwoman Deutch asked if this ordinance could be sent to the Council's Park and Recreation Committee for their review and recommendation; that she feels there is a lot of questions and that she supports having lifeguards this season; asking to be added as a Co-Sponsor.

Councilman D. Przybylinski addressed the Council stating that he spoke with Ms. Eason and Mr. Shinn but never spoke about the different levels being proposed for the lifeguard staff; but in discussing the amount of funds that they would need to upgrade the pay scales for lifeguards for the 2021 season.

Councilman Dabney read the following message on the chat screen from Assistant Superintendent Shannon Eason; stating that there must be someone in charge on all schedules to lead the lifeguard team.

President Mack asked Park and Recreation Chair Zygus to please schedule this meeting.

President Mack asked if there were any other comments from the Council, repeating three times; there was no response, stating the ordinance will be held over to second reading at our February 16, 2021 Council meeting.

The Clerk read the following proposed ordinance on first reading by title only,  
**AMENDING ORDINANCE NO. 4549 COMMONLY KNOWN AS THE "2021 SALARY ORDINANCE" TO INCREASE THE HOURLY RATE OF PAY FOR LIFEGUARDS IN THE PARK DEPARTMENT**

**Introduced by:** Don Przybylinski  
Bryant Dabney  
Dalia Zygus

President Mack asked if any of the authors had anything to add at this time;

Councilman D. Przybylinski stated the proposed ordinance is the reason for the additional appropriation of \$36,260; advising it is to cover the rate increase for the lifeguards for the 2021 season; commenting on each rate increase being proposed.

President Mack asked if the public had any questions or comments, repeating three times.

Assistant Superintendent Shannon Eason stated that it was unfortunate that there were no lifeguards during our 2020 season; advising that only two (2) people applied for the lifeguard position with only one being certified; and that we need fourteen (14) people to fill their lifeguard team; so to entice our young people to apply the increase in wages needs to be done; asking the Council's support on the proposed ordinance.

David Benjamin, Michigan City and Co-Founder/Executive Director Great Lakes Surf Rescue Search Project; thanked the Council for considering raising the wages for the lifeguards at Washington Park; stating that it is important to have a strong team that will work together; asking for their support.

President Mack asked if there were any other comments from the public, repeating three times; there was no response.

President Mack asked if there were any comments or questions from the Council.

Councilman Fitzpatrick addressed the Council regarding Mr. Benjamin's comments; questioning if the \$36,260.00 being proposed is enough monies for the rate increase in the wages for the entire season for eleven (11) lifeguards with three (3) supervisors; advising that he is 100% in support of the hiring of these lifeguards, paying them the better wage and attract talented young people we need to do these jobs; stating that the procedure keeps occurring in our city over and over and that is that our City keeps hiring supervisors, then assistant supervisors, and then an assistant to the supervisors to help the other two supervisors and then there is a secretary; with eight people telling two (2) people what to do, adding if this is what we are getting into regarding the lifeguards, are we going to get away from doing this?

Councilwoman Zygus stated that there are monies in the 2021 budget for lifeguards; this appropriation of \$36,260.00 is additional monies to cover the rate increase.

Councilman D. Przybylinski commented on the number of lifeguards being proposed in this ordinance, what their titles are, job duties and how much each would be making if the proposed ordinance is adopted; stating that we want lifeguards on our beach this season and we are trying to be proactive to try and get our young people who are from our community to stay here apply for these lifeguard positions and work at Washington Park each season.

Ms. Eason addressed the Council regarding Mr. Benjamin’s history in our community; losing a son to our waterfront and he has also promoted a collation reaching out to many communities regarding safety on our southern lakes.

President Mack asked if there were any other council comments from the Council, repeating three times; there was no response; stating the proposed ordinance will be held over on second reading at our February 16, 2021 Council meeting.

The Clerk read the following proposed ordinance on first reading by title only, **APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE RIVERBOAT FUND TO PROVIDE FUNDING FOR SIDEWALKS**

**Introduced by:** Don Przybylinski  
Paul Przybylinski  
Sean Fitzpatrick

(DECREASE Riverboat Fund #2042 Unappropriated balance \$100,000.00 INCREASE ACCOUNT#2042 114 443.031 \$100,000.00 Capital Outlay – Streets – Sidewalks)

President Mack asked if the authors had anything to add;

Councilman D. Przybylinski stated that he brought this proposed additional appropriation to the Council to get a line item created for Jeff Wright, City Engineer to move forward and get started repairing sidewalks in our community; advising that he spoke to Mayor Parry and he was in favor of this as well.

Councilman D. Przybylinski made motion to adopt the following author’s amendment by substitution, advising that none of these funds can be used in the TIF district.

**MICHIGAN CITY COMMON COUNCIL**

**ORDINANCE NO. \_\_\_\_\_**

**APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE RIVERBOAT FUND TO PROVIDE FUNDING FOR SIDEWALKS**

**WHEREAS**, it has been demonstrated to the Common Council of the City of Michigan City that it is necessary to appropriate more money than was appropriated in the 2021 Annual Budget to provide funding for sidewalks for 2021, and

**WHEREAS**, the City Controller has determined that sufficient unappropriated funds are available in the Riverboat Fund #2042 to be appropriated for that purpose.

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Michigan City, La Porte County, Indiana, that for the expenses of the City the following additional sums of money are hereby appropriated out of the fund named and for the purpose specified above, subject to the laws governing the same:

	<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROPRIATED</u>
DECREASE Riverboat Fund #2042 Unappropriated balance	\$100,000.00	

INCREASE ACCOUNT#2042 114 443.031	\$100,000.00
Capital Outlay – Streets - Sidewalks	

**TOTAL FOR FUND****\$100,000.00**

None of these funds shall be spent for any work within the boundaries of a City Tax Increment Financing (TIF) District. All work, including engineering, for sidewalks within the boundaries of a TIF District shall be paid for with TIF funds.

This Ordinance to be effective upon passage by the Council, approval by the Mayor, any necessary publication, and any necessary approval by the Indiana Department of Local Government Finance.

A motion to adopt the proposed ordinance by substitution was second by Councilwoman Deutch.

Councilwomen Tillman and Deutch asked to be added as CO-sponsors to the proposed ordinance by substitution

President Mack asked if there were any comments from public at this time, repeating three times; there was no response.

Councilman P. Przybylinski presented a copy of a picture that was taken of his sidewalk in front of his house at 1716 Washington and put on the front page of the News Dispatch in 1996; showing the repairs that needed to be done back then; advising there was a "sidewalk fund" that was created by the Mayor and the Planning Department during this time frame; and he appreciates Councilman D. Przybylinski for bringing this appropriation to the Council this evening; stating that there are so many sidewalks in need of repair throughout our City and not just the corners being brought up to ADA compliance.

Councilman Dabney also asked to be a Co-sponsor; stating that there are repairs needed in many of the TIF Districts, but understands why this is being brought to the Council at this time and he will be supporting it; questioning if there was a plan on where to start and when there would be more money put in this fund.

Councilwoman Deutch stated she agrees with the authors amendment proposed by Councilman D. Przybylinski by setting up a separate line item for other sidewalk repairs throughout the City and not just in the TIF district where the Community Crossing Grant will be repairing/replacing those areas; but will hopefully set up a line item that will do sidewalk repairs in the TIF District in the near future with the help from the Redevelopment Commission.

President Mack advised that he has a person that is going to do a presentation addressing how to go back to the old school ways and do some of this work in house instead of bidding the repairs of sidewalks out; with the possibility of on the job training; stating that he would send the link to attend this presentation to each Council member as well as the IT Department and City Planner Skyler York.

President Mack asked if there were any other comments from the council, repeating three times; there was no response; stating the proposed ordinance will be held over on second reading at the February 16, 2021 Council meeting.

The Clerk read the following proposed ordinance on first reading by title only,  
**AMENDING PROVISIONS OF THE MUNICIPAL CODE REGARDING THE  
 COUNCIL'S RULES OF ORDER AND PROCEDURES**

**Introduced by:** Angie Nelson Deutch  
**Co-Sponsor:** Dalia Zygas  
 Sean Fitzpatrick

Michael Mack

President Mack asked if the authors had anything else to add this evening, repeating three times; there was no response.

President Mack asked if the public had any comments at this time, repeating three times; there was no response.

President Mack asked if there were any comments or questions from the Council, repeating three times.

Councilwoman Tillman asked to be added as a Co-sponsor to this ordinance.

Councilman D. Przybylinski addressed the Council regarding what is being proposed in this ordinance; stating the rule the Council follows at the present time was adopted and has been followed for over sixty years; questioning why it needs to be changed now; advising during 2016 – 2019 there were a total of ninety-six Council meetings, in 2020 there were seventeen regular council meetings, and four special meetings; during this time frame there were over 216 Ordinances adopted during this five years with only six ordinances to take a vote asking; “ if there was no objections to take second and third reading at the same meeting; and one meeting they opened the conversation but a vote was not taken; commenting several of his concerns if the proposed ordinance is adopted; asking for an explanation and the reason this amendment is coming to the Council at this time.

Councilman P. Przybylinski thanked Councilman D. Przybylinski for the information and research he did to bring the history of this rule to our Council members; stating he feels that this is deliberate and feels this is a right that a council member should have to object; and the history shows this rule hasn't been abused; stating that he will not be supporting this ordinance, that by adopting the proposed ordinance will not speed the process of any ordinance any faster; that if one council member objects to having second and third reading at the same meeting, it usually is to look into what the document is proposing and there are questions that need to be answered.

President Mack asked if there were other comments from the Council, repeating three times; there was no response; stating the proposed ordinance will be held on second reading at the February 16, 2021 Council meeting.

The Clerk read the following proposed ordinance on first reading by title only,  
**AMENDING ORDINANCE NO 4549 COMMONLY KNOWN AS THE “2021 SALARY ORDINANCE” TO ADD THE POSITION OF “PARK MAINTENANCE DIRECTOR” TO THE PARK DEPARTMENT**

**Introduced by:** Don Przybylinski

President Mack asked if the author had anything to add at this time.

Councilman D. Przybylinski stated that he spoke with Ms. Eason and Mr. Shinn who is requesting to add a Park Maintenance Director to the Park Department setting this Salary at \$49,668.52 annually; and that the City Controller advised there is money in their budget to create this position; stating that they are present to answer any questions the council may have.

Park Superintendent Ed Shinn stated that he would like to create this position in the Park Maintenance Department; stressing this is reverting to having a director that was in their budget and removed; advising that all the Parks departments have directors and this position would ensure efficiency; asking for the Council's support.

Discussion ensued between Superintendent Ed Shinn regarding the elimination of a foreman's position and proposing a Park Maintenance Director to ensure efficiency in the maintenance department and will still only have nine (9) full time employees.

President Mack asked if there were any comments from the public at this time.

Rodney McCormick, 617 Union Street, stated his concerns regarding eliminating a full-time position; that a foreman should receive and be given with a rate increase and new title and move on.

President Mack asked if there were any other comments from the public, repeating three times; there was no response.

President Mack asked if there were any comments or questions from the Council.

Councilwoman Tillman stated she was under the impression that the City is still under a hiring freeze; we are creating a position and if there is hiring freeze how can we fill this full-time position.

Councilman Fitzpatrick questioned why another supervisor's position is being created; eliminating a seasonal position that probably makes minimum wage and give a supervisor an annual salary of \$50,000 doesn't seem right; asking what is the daily tasks of this director compared to the daily tasks of the job being eliminated and the daily tasks of the supervisor over these two (2) positions; stating several concerns he has about most city employees throughout our city are created when the majority of the people that work the hardest received the least amount of pay.

Councilman P. Przybylinski requested that this ordinance go to the Finance Committee for review and recommendation; that there has been good discussion this evening, but it needs to be reviewed and questions answered before the next Council meeting on February 16, 2021.

President Mack agreed that there are questions that need to be answered; asking Finance Chair Fitzpatrick to schedule a Finance committee meeting before the next council meeting for review and their recommendation.

The Clerk read the following proposed ordinance on second reading by title only,  
**AMENDING THE ZONING MAP OF THE CITY OF MICHIGAN CITY, LAPORTE COUNTY, INDIANA TO REZONE PROPERTY CURRENTLY OWNED BY MHP 1 LLC FROM R1B TO B2**

**Introduced by:** Bryant Dabney  
Gene Simmons

President Mack asked if the authors had anything to add.

Councilman Simmons stated for public information this is adding storage units to a parcel of land that isn't big enough to develop on but was approved by the Planning and Rezoning Commission and also compatible with the City Comprehensive Plan. President Mack asked if there were any comments from the public at this time, repeating three times.

Rodney McCormick, 617 Union Street asked the Council to research who the owners are behind the LLC of the proposed company building these facilities and could be a conflict of interest with one of our council members.

President Mack asked if there were any other comments from the public, repeating three times; there was no response.

President Mack asked if there were any comments from the Council, repeating three times; there was no response, stating the proposed ordinance will be held over for third reading at the February 16, 2021 Council meeting.

The Clerk read the following proposed ordinance on second reading by title only,  
**AMENDING SECTION 70-101 IN DIVISION 3 OF CHAPTER 70 OF THE MICHIGAN CITY MUNICIPAL CODE REGARDING THE POLICE MERIT COMMISSION**

**Introduced by:** Paul Przybylinski

**Note: This proposed ordinance was TABLED at the January 19, 2021 Council meeting until the February 2, 2021 Council meeting on 2<sup>nd</sup> Reading**

President Mack asked if there was anything the author would like to add.

Councilman P. Przybylinski stated that he was pulling his sponsorship from this ordinance at this time.

Councilman D. Przybylinski called a "Point of Order" asking President Mack to ask the other Council members if they wanted to sponsor the proposed ordinance.

President Mack asked the Council members if there was anyone that wanted to sponsor this proposed ordinance, repeating three times; there was no response with the ordinance being removed from the agenda.

The Clerk read the following proposed ordinance on third reading by title only,  
**MICHIGAN CITY COMMON COUNCIL**

**ORDINANCE NO. [4565](#)**

**APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE MOTOR VEHICLE HIGHWAY RESTRICTED FUND TO PROVIDE FUNDING FOR THE CITY'S LOCAL MATCH AND UNFORESEEN CONTINGENCIES FOR THE COMMUNITY CROSSING LOCAL ROADS AND BRIDGES MATCHING GRANT PROJECT FOR 2021**

**WHEREAS**, it has been demonstrated to the Common Council of the City of Michigan City that it is necessary to appropriate more money than was appropriated in the 2021 Annual Budget to provide funding for the City's local match and unforeseen contingencies for the Community Crossing Local Roads and Bridges Matching Grant Project for 2021; and

**WHEREAS**, the City Controller has determined that sufficient unappropriated funds are available in the Motor Vehicle Highway Restricted Fund #2003 to be appropriated for that purpose.

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Michigan City, La Porte County, Indiana, that for the expenses of the City the following additional sums of money are hereby appropriated out of the fund named and for the purpose specified above, subject to the laws governing the same:

	<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROPRIATED</u>
DECREASE Motor Vehicle Highway Restricted Fund #2003 Unappropriated balance	\$250,000.00	
INCREASE ACCOUNT#2003 000 443.030 Capital Outlay - Streets		\$250,000.00

**TOTAL FOR FUND****\$250,000.00**

This Ordinance to be effective upon passage by the Council, approval by the Mayor, any necessary publication, and any necessary approval by the Indiana Department of Local Government Finance.

**INTRODUCED BY:** /s/ Dalia Zygas, Member  
Michigan City Common Council

President Mack asked if there was anything the author would like to add at this time.

Councilwoman Zygas reminded everyone that we have already appropriated and approved these funds for this in our resolution that was adopted; that this ordinance is appropriating the funds from the Motor Vehicle Highway Restricted funds to move forward on the Community Crossing Grant Project.

President Mack asked if there were any comments from the public at this time.

Rodney McCormick, 617 Union Street, thanked Councilmen Don and Paul Przybylinski for bringing it to his attention that he lives in the TIF District; advising that he didn't know he did; that he attended the Joint Work Shop with the Redevelopment this evening and that they have been collecting TIF monies in this area since 1985; stating it is very sad that this area hasn't received a dime of TIF money from the Redevelopment Commission in all these years to address any street repairs, curbs, sidewalks, demolitions to vacant homes, with list going on and on; commenting that Martin Luther King Drive is also part of the TIF District; and that he would like some answers to why none of this money hasn't been appropriated for projects to improve the quality of life to the neighbors in this area.

Tom Kulavik, 1316 Ohio Street, stated he feels this council needs to start the wheel taxes in our community again.

President Mack asked if there were any comments from the council at this time.

Councilman P. Przybylinski thanked Mr. McCormick and Mr. Kulavik for their comments; addressing the council on what transpired at the joint workshop this evening; stating several his concerns regarding the appropriation being proposed for the match of this grant; and that he would not be supporting this ordinance; stating again that these monies should be coming from the Redevelopment Commission not the MVHR account.

Councilwoman Zygas commented on the proposed ordinance stating all the positive things that can be done to our streets and sidewalks when approving this ordinance; the grant has been written and if this Council doesn't approve this money the city is going to lose the entire 1.5 million dollars that is proposed in this grant.

Councilwoman Deutch made a motion to adopt this ordinance, second by Councilman Simmons.

President Mack asked if there were any other comments, repeating three times, there was no response; and the ordinance was adopted by the following vote: **AYES:** Council members Mack, Deutch, D. Przybylinski, Simmons, Zygas, Tillman, and Fitzpatrick (7) **NAYS:** Council member P. Przybylinski (1), **ABSTAINED:** Council member Dabney.

**NEW BUSINESS**

President Mack stated the Council has one (1) appointment to the Tree Board



representing a neighborhood association (term will begin immediately and expire 3-15-2022) Incumbent: Laura Henderson, representing the Elston Grove Neighborhood Association was received on February 1, 2021 advising they re-appointed her to the Tree Board for another term.

Laura Henderson, 510 E. 9<sup>th</sup> Street addressed the Council regarding her re-appointment representing the Elston Grove Neighborhood Association and is looking forward to her appointment.

### **UNFINISHED BUSINESS**

President Mack stated the Council has two (2) appointments to the Commission on the Social Status of African American Males reading the following incumbents: Ms. Albertine Allen – Minority Health Partners of the County and Pastor Jacarra Williams. - Ministerial Assoc; advising their letters were received from both organizations after the deadline of this meeting.

Discussion ensued between Councilman Dabney, Councilwoman Deutch, President Mack and Clerk Neulieb regarding their letters had not been received for Albertine Allen and Pastor Jacarra Williams in time for this meeting agenda.

President Mack stated The Council has one (1) appointment to the Urban Enterprise Association; Incumbent; David Augustus (resident) with his term expiring 12/31/2020; and that we received application forms from Mr. Augustus and Jacqueline Byrd-Jones.

President Mack opened nominations for the one (1) appointment for the Common Council to the Urban Enterprise Association; repeating three times, are there any nominations;

Councilwoman Tillman nominated Jacqueline Byrd-Jones for the Urban Enterprise Association (resident); second by Councilwoman Deutch.

Councilman D. Przybylinski called “point of order” stating the Council has two (2) appointments to the Urban Enterprise Association; Incumbents Esther Guncheon and Keith Devereaux is on our agenda; questioning that the council has three (3) appointments.

Clerk Neulieb advised that the Council has three (3) appointments to the Urban Enterprise Association; advising two (2) appointments are being voted on this evening; and the other one (1) (resident) the Council is doing nominations tonight.

President Mack stated the Common Council has two (2) appointments to the Urban Enterprise Association with the following people nominated at the January 19, 2021 meeting: Esther Guncheon – (business) and Keith Devereaux (resident).

President Mack asked for a motion.

Councilwoman Deutch made a motion to accept the two (2) appointments to the Urban Enterprise Association; Esther Guncheon and Keith Devereaux; second by D. Przybylinski.

President Mack asked all in favor to signify by saying “AYE” all responded “AYE” those opposed, there was no response; Ms. Guncheon and Mr. Devereaux will represent the Urban Enterprise Association (Vote 9 – 0)

President Mack stated the Council has one (1) appointment to the Veterans Commission with Ms. Connie Anderson being nominated at the January 19, 2021 meeting (term will begin immediately and expire 12-31-2024) with the Council taking

the vote this evening.

President Mack asked for a motion.

Councilwoman Deutch made a motion for the re- appointment of Ms. Connie Anderson to the Veterans Commission, second by Councilman D. Przybylinski.

President Mack asked all in favor to signify by saying "AYE" all responded "AYE" those opposed, there was no response; Ms. Anderson will represent the Veteran's Commission (Vote 9 – 0).

Discussion ensued between Councilman P. Przybylinski and Clerk Neulieb regarding the status of Mr. Rodney McCormick's appointment to the Social Status of African American Males.

Discussion continued between Councilwoman Deutch and Clerk Neulieb if any other applications were received for the Urban Enterprise Association because the President Mack did not ask if there were any other nominations. Clerk Neulieb advised that her office received one for Mr. David Augustus.

### **PUBLIC COMMENT**

President Mack asked if there were any comments from the public.

Rodney McCormick, 617 Union Street addressed the Council advising that President Mack is doing a good job; stating that it is time the Council start playing hard ball with the Redevelopment Commission; explaining that Redevelopment needs to start spending TIF money in his neighborhood (Canada) for road repairs.

Tommy Kulavik, 1316 Ohio Street, wished everyone a Happy Black History month; commenting on Amazon lockers at two (2) locations in the City; continuing to comment on the graffiti ordinance; stating that you can now attend kid's basketball games at the high school and other sporting events; sending well wishes to Mayor Parry.

Laura Henderson, 510 E. 9<sup>th</sup> Street addressed the Council asking to read her letter regarding the secretarial services of the Tree Board as follows:

Below is a list of the duties which our board no longer has provided to us. The list is extensive and is followed by the access needed in order to complete these duties. I assure you that the board is not able to fulfill all these duties. I expect many other boards are in a similar situation. I suspect the council may not have been fully aware of the extent of the support which we need in order to do our work in accordance with the law. In order that we may continue our work for the city, I ask that you reconsider your recent decision to remove these services from us or find a new way to provide these vital services. Thank you for your thoughtful consideration of my request.

Schedule meetings and reserve location

Prepare agendas and meeting packets

Prepare monthly financial report from City's New World program

Prepare monthly claims list

Email agendas/meeting packets to Board members and appropriate email distribution list, post accordingly

Mail agendas/meeting packets to Board members, mail agenda accordingly

Handle phone and email inquiries and route appropriately

Maintain and update Arborist contractor list as licenses come in, email to appropriate distribution list, post accordingly

Mail annual Arborist contractor renewal reminder in December

Attend evening meetings, subcommittee meetings, workshops

Take and transcribe meeting minutes

Keep and maintain official meeting records (hard copies as well in City's computer system)

Keep and maintain all Board correspondence and records (hard copies as well as in City's computer system)

Prepare letters/correspondence as directed by the Board

Prepare and maintain Board budget accounts

Process invoices in City's New World program

Prepare and process payroll for the Board

Tom Smith, 1710 W. 10<sup>th</sup> Street addressed the Council regarding the appraisal he was given for his home and business; advising that NICTD did not take time to talk to him face to face; asking that NICTD sit down with him and negotiate.

President Mack asked if there was anyone else from the public who wished to speak; there was no response.

### **COMMENTS FROM THE COUNCIL**

President Mack asked if there were any comments from the Council;

Councilman D. Przybylinski commented that Covid-19 is still an issue; encouraging people 65 years and over to get the Covid-19 vaccine; stating that sporting events are opening to 25% capacity; asking everyone to please be vigilant and wear your mask and social distance.

Councilman D. Przybylinski continuing to comment that the Bismark Hill proposal to build homes was voted down and the Company is no longer pursuing their interest; thanking everyone from the public that commented and voiced their opinions for and against it.

Councilman D. Przybylinski stated that Town Centre Drive belongs to Michigan City and in speaking with Jeff Wright, City Engineer, there are plans in the fall to repave this area; advising it will be paid out of TIF funds; also commenting that everyone needs to keep their sidewalks clear for city residents that use them as means of getting around town and also for our mail carriers.

Councilman Tillman commented on the email that she sent to Mayor Parry, the Council and the Administration in regard to the sidewalks in the 5<sup>th</sup> Ward along Michigan Boulevard that are not shoveled, plowed or salted; stating the City sidewalks and right-of-ways are the City's responsibility and this is a safety hazard for residents and children; advising the City has two (2) snow plows that could possibly be utilized; thanking Councilman D. Przybylinski for getting audits done on ADA pushbuttons at various lights and intersections on Franklin Street; but stating on Michigan Boulevard, you can't get to the ADA push buttons due to the snow; asking for funding from the Redevelopment Commission for two (2) additional snow tractors to clean the sidewalks along Michigan Boulevard.

Councilman Dabney announced that the Promise Scholarship applications are due for Michigan City Area High Schools.

Councilman Dabney commented that they did not have a Finance Committee meeting tonight giving because the Riverboat/Boyd claim docket was \$0.00; advising when the budget was done last year, the Controller's Office worked on moving the day to day expenses that were coming out of the Riverboat and Boyd Development into the general fund; stating the Council will still see additional appropriations and things of that nature, but not much on the claim dockets in 2021; further commenting that was a great job done by the Controller's Office.

Councilman Fitzpatrick commented that the Finance Committee will no longer meet prior to the Council meeting; advising he will be getting with other Committee members and Clerk Neulieb to work out a full year schedule; stating they will meet the week prior so if there is anything to address, such as the claims docket, they have more time to discuss and go over things in a timely fashion before the Council meeting.

Councilman D. Przybylinski responded to Councilwoman Tillman in regard to the ADA push button inspections that were done on Franklin Street; advising he spoke to Jeff Wright, City Engineer, and the plan was to start on Franklin Street then move to Michigan Boulevard and other locations within the City.

Councilman P. Przybylinski commented on ordinances that were passed regarding designated protected brick streets in Michigan City; advising they are going to be doing some street work on 9<sup>th</sup> Street and there is brick underneath of it; explaining the Planning Department and Administration needs to take a look at this because it is part of history; stating he spoke to Jeff Wright, City Engineer and they may incur additional funding problems; further commenting he would like to see the specification maintenance manual (standard of repair) that the Planning Department or City Engineer should be in possession of.

Councilman D. Przybylinski continuing to comment on the tunnel that was put in underneath of 11<sup>th</sup> Street for the Barker/Lafayette sewer project; asking what the Planning Department is doing to help the City and our neighborhoods.

President Mack asked if there were any further comments from the Council; repeating three (3) times; there was no response.

President Mack commented on good things coming out of the RDC and our community; such as the Entrepreneur Center; stating he has been speaking with young Entrepreneur's in our area trying to get things off the ground and running; there is a study on food deserts coming shortly; a LaPorte County Housing study is also coming soon; advising at that time there can be intelligent conversation regarding lack of housing in Michigan City; further commenting on the Athletic Center and Community Center in Merrillville and Hammond; advising he wants ours to be top shelf; further stating money is going to be spent on training and development for our young athletes and also academics; explaining it is important to help our youth with challenges they are facing and the dream they have of overcoming them.

## **ADJOURNMENT**

A motion by Councilman D. Przybylinski, supported by Councilman Fitzpatrick; there being no further business to transact, President Mack declared the meeting **ADJOURNED** (approximately 10:00 p.m.)

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Gale A. Neulieb